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November 6, 2023

VIA ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***Binh Thanh Import Export Prod. & Trade Joint Stock Co. v. Amazon.com Servs. LLC,***
No. 1:23-cv-00292-LGS – Letter Motion to File Under Seal

Your Honor:

On behalf of plaintiff Binh Thanh Import Export Production & Trade Joint Stock Co. (“Gilimex”) in the above action, and pursuant to Your Honor’s Individual Rule I.D.3, we respectfully move the Court to treat as sealed Gilimex’s November 6, 2023 letter to the Court regarding Gilimex’s request for leave to amend the complaint (“Letter”), pending designation by defendant Amazon.com Services LLC (“Amazon”).

The Letter makes reference to certain information provided by Amazon during discovery that has been designated by Amazon as CONFIDENTIAL or CONFIDENTIAL-ATTORNEY’S EYES ONLY pursuant to the February 21, 2023 Stipulation and Confidentiality Order (Dkt. 25). Gilimex has no position as to whether any of the information contained in the Letter should remain under seal but has filed the Letter under seal in an abundance of caution and to give Amazon an opportunity to designate which, if any, portions of the Letter that Amazon wishes to keep under seal and to provide the reasons for such continued treatment consistent with Your Honor’s Individual Rule I.D.3.

Respectfully,

/s/ Marc E. Kasowitz

cc: All Counsel of Record

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Appendix

Pursuant to Your Honor's Individual Rule I.D.3, included below is a list of all parties and attorneys of record who should have access to the sealed documents:

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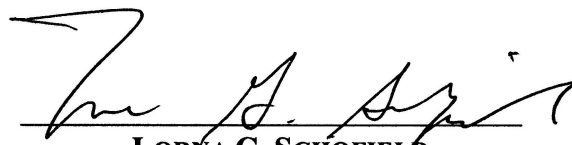
*Attorneys for Defendant Amazon.com
Services LLC*

Application to seal DENIED without prejudice to renewal. "The common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). The parties' confidentiality designations are not dispositive of whether the public's right of access to judicial documents overcomes competing considerations, such as the need to protect competitively sensitive information. Defendant may file a request to maintain the letter motion under seal by **November 14, 2023**, with an explanation of the basis for the request that is sufficient under Second Circuit case law.

By **November 10, 2023**, Plaintiff shall file a proposed Amended Complaint, along with a redline draft showing changes from the operative Complaint. By **November 16, 2023**, Defendant shall file a letter, not to exceed three pages, in response to Plaintiff's motion to amend. So Ordered.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 50. The Clerk of Court is respectfully directed to maintain all currently sealed documents under seal pending a possible renewed motion to seal by Defendant.

Dated: November 8, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE